

PATENT

shell with pellets therein joined to an elongated handle, wherein said handle is fabricated of flexible material permitting resilient bending of said handle, said ornament having the overall shape of a miniature maraca having an overall length corresponding to the approximate width of a person's hand, and said ornament including a bore sized for receiving a key ring or key chain member.--.

AB
u
cond.

~~2~~ 1
--14. An ornament as specified in Claim ~~13~~ wherein said bore is formed in the distal end of said handle.--.

REMARKS

In the Office Action of March 17, 2000, the Examiner rejected Applicant's claims 5 and 8 as indefinite and rejected claims 1-4 and 7 to 12 as unpatentable under 35 U.S.C. § 103. Claim 5 was indicated to include allowable subject matter.

Applicant has amended claim 1 to include the allowable subject matter of claim 5. Claims 2-5 are canceled and claims 6-12 are dependent on claim 1. Accordingly, claims 1 and 6 to 12 are in condition for allowance. Applicant has corrected the informalities in claim 5 (as incorporated in claim 1) and claim 8.

With respect to claim 8, the bulbous end includes the shell part and a

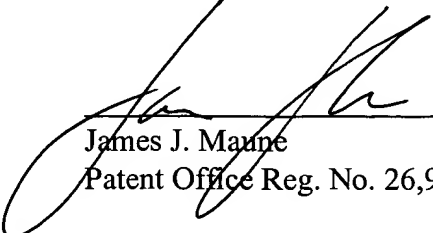
PATENT

portion of the handle part. Nothing in the claim requires that the shell include a portion of the handle.

Applicant present new claims 13 and 14 which are specifically directed to the key chain ornament described in the specification with respect to Figure 1. The small maraca is provided with a flexible handle as described in the specification to provide durability when the item is placed in a pocket or handbag. None of the references suggest a maraca of this size with these characteristics, and accordingly claims 13 and 14 are believed to be allowable.

In the event a telephone interview would be helpful to advance this application, the Examiner is requested to telephone the undersigned attorney.

Respectfully submitted,



James J. Maupé
Patent Office Reg. No. 26,946

Attorney for Applicant
(212) 408-2566

a